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Summary record of the 2802nd meeting*
Held at Headquarters, New York, on Friday, 1 April 2011, at 3 p.m.

Chairperson: Ms. Majodina

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* No summary record was issued for the 2800th and 2801st meetings.

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The meeting was called to order at 3.10 p.m.

Organizational and other matters (*continued*)

Working methods (continued)

1. **Mr. Iwasawa** said that while he was pleased that the Committee was holding a working meeting on the afternoon of the last day of the session, he regretted that it could not achieve a quorum, even though most of the members had agreed with the decision taken in 2010 to include such a meeting on the programme of work for the current session. The Committee had therefore missed an opportunity to take any action, despite having the facilities and resources to do so, and despite its concerns over an increasing backlog of cases and its plan to request to the General Assembly to add a fourth week to each of its sessions.

2. If the Committee gave the impression that it was not using its time and resources judiciously, it would be difficult to justify the money currently spent by the Committee to the taxpayers of Japan, the second-largest contributor to the United Nations budget, especially at a time when the country had just experienced a devastating earthquake, tsunami and nuclear disaster.

3. **Mr. O'Flaherty** said that the Committee should be commended for scheduling substantive work on the last day of the session, something which he hoped would become the standard in the future. While he regretted the lack of a quorum, he understood that the change in practice marked a major cultural shift for the Committee and that it always took time to change the culture of any institution. Moreover, the Committee's ranks had been further depleted by *force majeure*, as some colleagues had been absent for the full week and others had to leave early for reasons beyond their control.

4. **Ms. Motoc** said that despite the lack of a quorum, the Committee tended to work more than some of the other treaty bodies, often meeting with non-governmental organizations during lunch breaks. She was convinced that the circumstances preventing a quorum were unlikely to be repeated in the future.

5. **Sir Nigel Rodley** said that he strongly approved the change in practice, especially given the Committee's increased workload with the rise in the number of parties to the Covenant and of reports and cases generated by the new reporting guidelines. He agreed that it would take time to change decades of practice and that some members were absent for reasons beyond their control. He hoped, however, that, for future sessions, the Secretariat would remind both colleagues and the Travel and Transportation Section that all Committee members were expected to be present for the entire session.

Treaty body strengthening — informal technical consultation for States parties, Sion (Switzerland), 12-13 May 2011

6. **Sir Nigel Rodley** said that, as the annotated programme of work for the technical consultation for States parties to be held in Sion from 12 to 13 May 2011 had just been circulated to the members, it would be useful to obtain some background information.

7. **Mr. O'Flaherty**, speaking as someone with knowledge of the meeting, not in any institutional capacity, said that the meeting had been arranged within the broad context of treaty body strengthening triggered in 2009 by the High Commissioner for Human Rights. Following the 2009 consultative meeting held in Dublin, which produced the Dublin Statement on the Process of Strengthening the United Nations Human Rights Treaty Body System that had paved the way for the ongoing treaty body strengthening process, stakeholders had organized similar meetings in 2010 in Marrakech and Poznan, among others.

8. The Sion meeting would provide an opportunity for States parties to discuss ways of contributing to the current phase of reflection. Treaty bodies would be represented at the meeting by their chairpersons and the conclusions and recommendations of the meeting would feed into another meeting to be held in Dublin in November 2011 to mark the end of the consultative process. All those consultations would be reflected in a report to be issued by the High Commissioner for Human Rights in early 2012.

9. **Sir Nigel Rodley** said that, as the meeting was for States parties, the chairpersons of the treaty bodies would be attending to listen, rather than talk, much less lead. Nonetheless, it would be important for the Committee's Chairperson to report on its constant efforts to streamline its procedures, make the best use of its resources, review as many States parties' reports as possible, and generate new ideas for improving the treaty body system. It would be important to ensure

that the States parties did not attempt to resurrect the idea of a unified treaty body or of a single report being submitted to all treaty bodies.

10. **Mr. O'Flaherty** said that it might be useful to articulate to States how they could change their engagement with the system, in order to improve it. At the national level, they could be reminded how their non-ratification of — or reservations to — the Covenant, and their failure to report in a timely fashion had impacted the Committee's work. Their attention might also be drawn to the need for alternative procedures for putting forward the best candidates to treaty bodies, in order to strengthen the system.

11. **Mr. Flinterman** said that the Sion meeting was part of a long process and gave Member States an opportunity to make a positive contribution to the treaty body strengthening exercise. There had been many positive developments on the topic, including the option for States to submit shorter, more focused reports, although no State had yet taken that up. The treaty bodies should continue to lead the reform process, and the outcomes of the meeting should be presented to the Committee at its next session.

12. **Mr. Neuman** said that the item on the agenda of the Sion meeting which called for alternatives to a face-to-face dialogue with treaty bodies would not help in maximizing or enhancing the quality of the dialogue.

13. **Mr. Rivas Posada** said that all committees, without exception, were interested in harmonizing and streamlining their methods to make the human rights protection system more effective. He hoped that States parties would not use that meeting to reintroduce the ill-conceived and short-lived idea of a unified treaty body system.

14. **The Chairperson** said that she would communicate the Committee's views at the Sion meeting. There would be an item on the Committee's agenda for its 102nd session, at which time the report on the meeting and any background papers would be made available to Committee members.

15. **Mr. O'Flaherty** said that it was important for the Committee not to focus solely on the Sion meeting under the item proposed by the Chairperson for the Committee's 102nd session; rather, it should discuss the broader issue of strengthening of the treaty body system with a view to clarifying its position on a range of related issues.

16. **Sir Nigel Rodley**, referring to the point raised by Mr. Neuman regarding the search for alternatives to a face-to-face dialogue, said that he would like clarification from the Secretariat as to the origin of such an idea and on what authority it had been submitted to States.

17. **Ms. Fox** (Secretary of the Committee) said that her role in the process thus far had been limited to relaying information between the Committee and the team that dealt with harmonization of the follow-up procedure. If Committee members so wished, she would organize a meeting between the Committee and members of that team prior to the Committee's 102nd session.

Announcement of Bureau decisions

18. **The Chairperson** announced that despite the developments in Côte d'Ivoire since the list of issues regarding that State party had been adopted in October 2010, it had been agreed that the examination of the report should not be delayed and that additional follow-up questions could be asked during the oral dialogue.

19. The Committee had received an invitation for two members to attend a round-table conference in Kazakhstan in April 2011 on the implementation of universal periodic review recommendations and in preparation for the examination of Kazakhstan's periodic report at the Committee's 102nd session. While the Bureau's initial decision had been to circulate the invitation letter among Committee members to request expressions of interest, it had since been learned that two former members of the Committee had already accepted a direct invitation from Kazakhstan.

20. **Ms. Fox** (Secretary of the Committee) said that after sending an invitation to the High Commissioner for Human Rights, the Government of Kazakhstan had independently contacted a field office of another division of the Office of the United Nations High Commissioner for Human Rights (OHCHR), which had apparently communicated the names of former members of the Committee.

21. **Sir Nigel Rodley** asked how OHCHR planned to rectify the situation.

22. **Ms. Fox** (Secretary of the Committee) said that the Government of Kazakhstan had suggested that if a

current member of the Committee expressed interest in attending the conference, the Government would withdraw one of their previous invitations.

23. **Ms. Motoc**, supported by **Ms. Waterval**, said that it would make the most sense for two current members of the Committee, preferably from the Kazakhstan country task force, to attend the conference, especially as the Committee would be considering Kazakhstan's periodic report at its next session.

24. **The Chairperson** said that should there be interest among current members of the Committee, the Secretariat would liaise with those members and OHCHR.

25. **Mr. Neuman** said that, given the short notice, the Committee might welcome the fact that two former Committee members were interested in attending the conference.

26. **Ms. Motoc** said that even taking into account the short notice of the invitation, it was important for current Committee members to attend. She herself would be interested in accepting one of the invitations.

27. **Mr. Iwasawa** said that while there were positive aspects to the acceptance of such invitations, the Committee should take care in doing so only a few months before its consideration of a State party's periodic report, especially if preparation of such a report was one of the stated reasons for the visit. It would perhaps be more advisable to set a time for such a preparatory visit six months or a year prior to consideration of a report.

28. **Sir Nigel Rodley** said that the Committee should decide who would go to the round-table conference. While he was grateful for Ms. Motoc's willingness to attend, given her knowledge of the region, he too was concerned at the possibility that the Committee might put itself in a compromising situation if it accepted one or both invitations. Indeed, the State party in question might feel inclined to overrepresent the Committee's participation in such an event, when its report was considered within a few months' time.

29. **Mr. O'Flaherty** said that the Bureau had discussed at length the issues raised thus far and had decided that it did not share such concerns. Colleagues were trusted to visit States parties in full awareness of the context and to use the visit to enhance subsequent dialogue. Recalling that the dialogue would not be solely between the colleagues who had made the visit, but with the plenary, he said that the plenary could manage any issue within the framework of an objective dialogue. He did not have a preference as to which colleagues attended the conference.

30. **Ms. Motoc** said that in her experience with other treaty bodies, country visits were often very useful and the impartiality of treaty body representatives was generally not called into question simply on account of participation in an event in a given country.

31. **Mr. Rivas Posada** said that he shared the concerns expressed by Mr. Iwasawa and Sir Nigel Rodley, especially if the Committee began to accept invitations on a regular basis from States parties whose reports were soon going to be considered. The Committee did not have a mandate for direct investigation and did not have investigative working groups; rather, it was limited to the information provided by States parties.

32. **The Chairperson** said that she would leave it up to the Secretariat to follow up with interested Committee members. However, the broader issue of the appropriateness of accepting such invitations from States parties should be discussed at a future session. She looked forward to reviewing the Committee's past practice in respect of such invitations and to discussing the criteria to be used in the future when such invitations were received.

33. **Mr. O'Flaherty** suggested that the proposed discussion should take into account the practice not only of the Committee, but also of other treaty bodies.

34. **The Chairperson** said she took it that the Committee wished to adopt the recommendations of the Bureau.

35. *It was so decided.*

36. **The Chairperson** said that, with regard to other announcements, a reminder would be sent to the Libyan Arab Jamahiriya to submit its next periodic report. In addition, the Committee had made a statement on Pakistan's reservation to article 40, which would be issued subsequently as a press release. Lastly, in accordance with the paper prepared by Ms. Keller and the Secretariat on focused reports based on replies to lists of issues prior to reporting, the Committee had decided that lists of issues under the new reporting procedure would be adopted at the Committee's 103rd session for the following countries: Cameroon,

Denmark, Monaco, the Republic of Moldova and Uruguay.

Closure of the session

37. After the customary exchange of courtesies, **the Chairperson** declared the 101st session of the Human Rights Committee closed.

The meeting rose at 4.25 p.m.